

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO: 13-20808
HON. LINDA V. PARKER**

RANDALL W. DELLINGER,

Defendant.

/

DEFENDANT'S SENTENCING MEMORANDUM

Introduction

Defendant, a 58 year old male, was charged in an indictment with Interstate Communication of a Threat, in contravention of 18 U.S.C. § 875(c). On January 20, 2016, Defendant entered a plea to Count I of the indictment. The Rule 11 Plea Agreement incorporates a guideline range of 24 to 30 months and allows Defendant to withdraw his plea if this Honorable Court decides to impose a sentence greater than the high end of the applicable guideline range. The probation department calculated a guideline range of 27 to 33 months, based on a lower criminal history score but higher guideline range.

Defendant first appeared before this Honorable Court on June 28, 2012. He was temporarily detained from June 28, 2012 to August 1, 2012 pending a competency evaluation. On August 1, 2012, Defendant was found competent to stand trial and was released on an unsecured bond. The bond was revoked on January 7, 2013. Defendant was eventually found incompetent to stand trial and was transferred to a Bureau of Prisons medical facility for treatment. Defendant remained in custody until January 20, 2016, when

he was found competent to stand trial and an unsecured bond was reinstated at that time. Therefore, Defendant has already been incarcerated for over 38 months (1144 days).

Defendant has multiple health issues that require ongoing medical attention. He has been diagnosed with Chronic Myeloid Leukemia, a form of blood cancer that originates in the bone marrow. He is currently receiving treatment at McLaren Hospital and is taking daily medication to mitigate the effects of the cancer. In 1997, he fell off a tower and fractured his back and continues to experience significant back pain as a result of the injury. As documented by the report of Pretrial Services Officer Timothy J. Rooney, since his bond has been reinstated Defendant has been in compliance with the terms of his pretrial release. He has not submitted any dirty urine samples, had been attending therapy on a regular basis, and has been taking his prescribed medication as directed.

In view of all the above circumstances, it is respectfully recommended that Defendant be sentenced in accordance with the Rule 11 Plea Agreement to a sentence of credit for time served with a period of supervised release of one year. Such a sentence would be fair and reasonable under the facts and circumstances of this case and satisfy the statutory mandate of being sufficient but not greater than necessary to comply with the purposes set forth in the sentencing statute.

Dated: 05-30-17

Respectfully submitted,

s/Richard D. Korn
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,
vs.

CASE NO: 12-20801
HON. GERSHWIN A. DRAIN

STANTON MYLO HALE, *Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Nancy A. Abraham
Assistant U.S. Attorney
600 Church Street, Room 210
Flint, MI 48502

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Dated: 05-30-17

Respectfully submitted,

s/Richard D. Korn
Attorney for Defendant
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